



DT07 Rec'd PCT/PTO 0 1 DEC 2004 <sup>PCT</sup>

ATTORNEY DOCKET No.: 2003946-0088 (VD1207/US)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Fang *et al.*  
Serial No: 10/500,424  
Filing Date: June 28, 2004  
Corresp. to: PCT/US02/40744  
Int. Filing Date: December 18, 2002  
Priority: December 28, 2001  
Title: LUMINACIN ANALOGS AND USES THEREOF

Examiner: NYA.  
Group Art Unit: NYA

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Certificate of Mailing**  
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
November 29, 2004  
Date  
Kathy Hart Gagnon  
Signature  
Kathy Hart Gagnon  
Typed or Printed Name of person signing certificate

**TRANSMITTAL LETTER**

Enclosed herewith are the following for the above-referenced patent application:

- 1) Executed Appointment of Attorney (1 pg.);
- 2) Executed Establishing Right of Assignee to Take Action (37 C.F.R. § 3.73(b)) (2 pp.) with copy of Assignment attached (4 pp.); and
- 3) Return postcard.

Please charge any additional fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully Submitted,  
CHOATE, HALL & STEWART

Nadège M. Lagneau, Ph.D.  
Reg. No. 51,908

Date: November 29, 2004

PATENT DEPARTMENT  
CHOATE, HALL & STEWART

U.S.S.N: 10/500,424  
3773123v1

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53 State Street  
Boston, Massachusetts 02109  
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Alexandria, VA 22313-1450

Sir:

**APPOINTMENT OF ATTORNEY**

The undersigned hereby appoints:

The attorneys/agents associated with **Customer No. 24280** as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to:

Patent Department  
CHOATE, HALL & STEWART  
Exchange Place  
53 State Street,  
Boston, MA 02109

Respectfully submitted,

Hiroshi Yoshino

Name: Hiroshi Yoshino  
Title: Director of Intellectual Property Department  
On behalf of: EISAI CO., LTD.

Dated: September 27, 2004



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P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**  
**(37 CFR § 3.73(b))**

The inventors of the above-referenced United States patent application have assigned their entire right, title, and interest in the inventions disclosed therein according to the following table:

<b>Inventor</b>	<b>Assignee</b>
FANG, Francis	EISAI CO., LTD.
JOHANNES, Charles	EISAI CO., LTD.
YAO, Ye	EISAI CO., LTD.
ZHU, Xiaojie (Jeff)	EISAI CO., LTD.

Thus, the Assignee of the inventors' entire right, title, and interest is:

**EISAI CO., LTD.**

According to 37 CFR § 3.73(b), the Assignee is entitled to take action relating to the application in the Patent and Trademark Office if the Assignee establishes ownership to the satisfaction of the Commissioner.

Ownership by the assignee is established as follows:

\_\_\_\_\_ documents already recorded in the PTO on \_\_\_\_\_.

Reel \_\_\_\_\_ Frame \_\_\_\_\_; and

X documents separately submitted for recordal to the PTO (a copy of these documents is attached).

**STATEMENT**

I, person(s) authorized to sign on behalf of the Assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as Assignee who seeks to take further action.

Name/Title	Assignee	Date
Signature: <u>Hiroshi Yoshino</u> Name: Hiroshi Yoshino Title: Director of Intellectual Property Department	EISAI CO., LTD., 6-10, Koishikawa 4-Chome, Bunkyo-ku, Tokyo 112-8088, Japan	<u>Sep. 27, 2004</u>

Patent Group  
CHOATE, HALL & STEWART  
Exchange Place  
53 State Street  
Boston, MA 02109  
Tel: (617) 248-5150  
Fax: (617) 248-4000



COPY

## ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, each of the undersigned **Frank FANG, Charles JOHANNES, Ye YAO, and Xiaojie (Jeff) ZHU**, whose addresses are set forth below; hereby

Sells, assigns and transfers to **Eisai Co., Ltd.** having a place of business at **6-10, Koishikawa 4-chome, Bunkyo-ku, Tokyo, 112-8088, Japan**, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, his/her entire right, title and interest for the United States **and all foreign countries**; in and to any and all inventions which are disclosed in the application for United States Letters Patent entitled **"LUMINACIN ANALOGS AND USES THEREOF"** as follows:

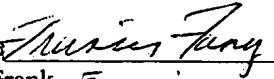
- 1) U.S.S.N. 10/500,424, filed June 28, 2004;
- 2) PCT/US02/40744 filed December 18, 2002 in the RO/US;
- 3) U.S.S.N. 60/343,678 filed December 28, 2001;

in and to said application and all divisional, continuing, substitute, renewal, reissue reexamination or other application for Letters Patent which has been or shall be filed in the United States or any foreign country on any of said inventions, and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.


Agrees that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name and when requested, without charge to but at the expense of said ASSIGNEE, agrees to carry out in good faith the intent and purpose of this Assignment by executing all divisional, continuing, substitute, renewal, reissue, reexamination and all other patent applications on any and all said inventions; by executing all rightful oaths, assignments, powers of attorney and other papers; by communicating to said ASSIGNEE all facts known to him/her relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE.

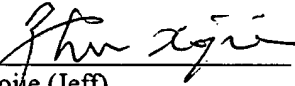
Hereby requests the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

Covenants with said ASSIGNEE that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by him/her, and that full right to convey the same as herein expressed is possessed by him/her.

Signature  Date 8/31/04  
FANG, Frank *Francis*  
16 Greybirch Road, Andover, MA 01810, USA

Signature \_\_\_\_\_ Date \_\_\_\_\_  
JOHANNES, Charles  
15 Graham Avenue, Newbury, MA 01951, USA

Signature  Date 8/31/04  
YAO, Ye  
9 Andrew Circle, North Andover, MA 01845, USA

Signature  Date 08/31/04  
ZHU, Xiaojie (Jeff)  
12 Linda Road, Andover, Massachusetts 01810, USA

## ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, each of the undersigned **Frank FANG, Charles JOHANNES, Ye YAO, and Xiaojie (Jeff) ZHU**, whose addresses are set forth below; hereby

Sells, assigns and transfers to **Eisai Co., Ltd.** having a place of business at **6-10, Koishikawa 4-chome, Bunkyo-ku, Tokyo, 112-8088, Japan**, its successors, assigns and legal representatives, all hereinafter referred to as the **ASSIGNEE**, his/her entire right, title and interest for the **United States and all foreign countries**; in and to any and all inventions which are disclosed in the application for United States Letters Patent entitled **"LUMINACIN ANALOGS AND USES THEREOF"** as follows:

- 1) **U.S.S.N. 10/500,424, filed June 28, 2004;**
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in and to said application and all divisional, continuing, substitute, renewal, reissue reexamination or other application for Letters Patent which has been or shall be filed in the United States or any foreign country on any of said inventions, and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agrees that said **ASSIGNEE** may apply for and receive Letters Patent for said inventions in its own name and when requested, without charge to but at the expense of said **ASSIGNEE**, agrees to carry out in good faith the intent and purpose of this Assignment by executing all divisional, continuing, substitute, renewal, reissue, reexamination and all other patent applications on any and all said inventions; by executing all rightful oaths, assignments, powers of attorney and other papers; by communicating to said **ASSIGNEE** all facts known to him/her relating to said inventions and the history thereof, and generally by doing everything possible which said **ASSIGNEE** shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said **ASSIGNEE**.

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Signature \_\_\_\_\_ Date \_\_\_\_\_  
FANG, Frank  
16 Greybirch Road, Andover, MA 01810, USA

Signature Charles Johannes Date 8/2/04  
JOHANNES, Charles  
15 Graham Avenue, Newbury, MA 01951, USA

Signature \_\_\_\_\_ Date \_\_\_\_\_  
YAO, Ye  
9 Andrew Circle, North Andover, MA 01845, USA

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